

Message Text

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ACTION EA-12

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-05 H-01 INR-10
L-03 NSAE-00 NSC-05 PA-01 SP-02 SS-15 ICA-11
EB-08 AGRE-00 COME-00 TRSE-00 /074 W
-----063915 211201Z /50

R 210844Z AUG 78
FM AMEMBASSY MANILA
TO SECSTATE WASHDC 0413
INFO AMEMBASSY BANGKOK
AMEMBASSY JAKARTA
AMEMBASSY KUALA LUMPUR
AMEMBASSY SINGAPORE
AMEMBASSY TOKYO

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E.O. 11652: N/A
TAGS: ECON, RP
SUBJECT: PRESIDENT MARCOS SIGNS URBAN LAND REFORM DECREE

1. SUMMARY. PRESS HAS REPORTED THAT PRESIDENT MARCOS SIGNED JUNE 12 A DECREE PROVIDING FOR URBAN LAND REFORM. EXACT TEXT OF DECREE IS STILL UNAVAILABLE, BUT INITIAL SWEEPING GENERALIZATIONS OF NEW LAW ARE GIVING WAY TO AN ASSESSMENT THAT IT WILL BE CAUTIOUSLY IMPLEMENTED. GOP SPONSORS OF LAW ARE STILL RELUCTANT TO DISCUSS IT WITH EMBASSY. END SUMMARY.

2. IN FRONT-PAGE STORIES SUNDAY, AUGUST 13, THE MANILA PRESS REPORTED THAT THE PRESIDENT HAD SIGNED ON JUNE 12 DECREE NO. 1517 CONTAINING AN URBAN LAND REFORM LAW. FOUR DAYS LATER THE PRESS REPORTED THAT MARCOS PLANNED TO PROCLAIM METRO MANILA AS THE FIRST URBAN LAND REFORM AREA. DELAY IN ANNOUNCEMENT WAS EXPLAINED AS A RESORT TO THE USE OF THE PUBLIC MEDIA BECAUSE THE OFFICIAL GAZETTE
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COULD NOT CATCH UP WITH THE PUBLICATION OF DECREES SIGNED BY THE PRESIDENT BEFORE JUNE 12 (DATE OF CONVOCAION OF INTERIM BATASANG PAMBANSA). COMMENT: CONTACTS HAVE OPINED THAT MORE DECREES SIGNED ON OR BEFORE JUNE 12 WILL CONTINUE TO SURFACE IN THE IMMEDIATE FUTURE. END COMMENT.

3. PD 1517 AUTHORIZES THE PRESIDENT TO PROCLAIM PARCELS

OF URBAN LAND AS REFORM AREAS, FOR WHICH THE MINISTER OF HUMAN SETTLEMENTS WOULD PREPARE DEVELOPMENT AND ZONING PLANS. NO AFFECTED LAND COULD BE USED OR DISPOSED OF EXCEPT IN CONFORMITY WITH THOSE PLANS. DECREE ALSO MANDATES THE GOVERNMENT TO DETERMINE THE MAXIMUM SIZE OF URBAN LANDS THAT CAN BE OWNED BY AN INDIVIDUAL -- A TASK LEFT TO IBP.

4. AN INTERESTING PROVISION PROHIBITS THE EVICTION OF LEGITIMATE TENANTS WHO HAVE LIVED ON THE LAND FOR TEN YEARS OR MORE UNDER A CONTRACT, AND PROVIDES THAT THEY HAVE RIGHT OF FIRST REFUSAL TO PURCHASE THE LAND AT REASONABLE PRICES. ABOVE WORDING APPEARS TO EXCLUDE SQUATTERS FROM SUCH BENEFITS. IF SUCH TENANTS COULD NOT PURCHASE THE LAND, THE GOVERNMENT CAN ACQUIRE IT UNDER EXPROPRIATION PROCEDURES AND THEN SELL IT OR EVEN DONATE IT TO THE TENANTS.

5. DECREE CREATES AN URBAN LAND REFORM COORDINATING COUNCIL COMPOSED OF THE MINISTERS OF HUMAN SETTLEMENTS, AGRARIAN REFORM, FINANCE, JUSTICE, LOCAL GOVERNMENT, INDUSTRY, NATURAL RESOURCES, AND PRESIDENT OF THE LAND BANK. COUNCIL WILL BE CHAIRED BY THE MINISTER OF HUMAN SETTLEMENTS, AND WILL PROMULGATE GUIDELINES AND RULES.

6. DECREE ALSO PROVIDES FOR REGISTRATION OF EXISTING LAND LIMITED OFFICIAL USE

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RIGHTS THROUGH THE ESTABLISHMENT OF AN OFFICIAL DEVELOPMENT REGISTRY. AT SAME TIME DECREE CONTAINS INCENTIVES (UNSPECIFIED) FOR "PROGRESSIVE LANDOWNERS AND DEVELOPERS WHO WISH TO DEVELOP THEIR LANDS IN ACCORDANCE WITH PLANS RESPONSIBLE TO THE COMMUNITY WELFARE."

7. COMMENT: LARGE LANDHOLDINGS ARE A LEGACY OF SPANISH RULE, AND IDEA OF URBAN LAND REFORM HAS BEEN BRUIED DURING LAST FEW YEARS AS THE GOP BEGAN TO IMPLEMENT THE AGRARIAN LAND REFORM PROGRAM. THAT PRESIDENT CHOSE DECREE ROUTE RATHER THAN RISK DISCUSSION IN THE IBP INDICATES A HABIT OF RULE-MAKING WHICH IS DIFFICULT TO DISCARD AND, POSSIBLY, RECOGNITION OF INFLUENCE THAT VESTED INTERESTS COULD BRING TO BEAR. DECREE IS BASICALLY BRAINCHILD OF DR. CONRADO BENITEZ, DIRECTOR OF TECHNOLOGY RESOURCES CENTER, WHICH IS A PET PROJECT OF MRS. MARCOS FOR THE TRANSFER OF TECHNOLOGY. TRC HAS BEEN CREDITED WITH RECENT PATENT LAW REVISIONS WHICH HAVE BEEN HELD IN ABEYANCE BECAUSE OF CONCERTED U.S., JAPANESE, AND E/C EXPRESSIONS OF CONCERN. DR. BENITEZ HAS REFUSED TO RECEIVE EMBOFF TO DISCUSS DECREE. WE BELIEVE IT WILL BE IMPLEMENTED CAUTIOUSLY WITH MAXIMUM PUBLIC RELATIONS EFFECT.

MURPHY

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 jan 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: URBAN DEVELOPMENT, LAND REFORMS
Control Number: n/a
Copy: SINGLE
Draft Date: 21 aug 1978
Decaption Date: 01 jan 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 20 Mar 2014
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1978MANILA14563
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
Film Number: D780341-0131
Format: TEL
From: MANILA
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1978/newtext/t19780843/aaaabjga.tel
Line Count: 117
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: d4d75160-c288-dd11-92da-001cc4696bcc
Office: ACTION EA
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: n/a
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 04 may 2005
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 1678702
Secure: OPEN
Status: NATIVE
Subject: PRESIDENT MARCOS SIGNS URBAN LAND REFORM DECREE
TAGS: ECON, RP
To: STATE
Type: TE
vdkgvwkey: odb://SAS/SAS.dbo.SAS_Docs/d4d75160-c288-dd11-92da-001cc4696bcc
Review Markings:
Sheryl P. Walter
Declassified/Released
US Department of State
EO Systematic Review
20 Mar 2014
Markings: Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014